

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Panchayats – Appeal Petition filed by Sri D. Sathaiah, Sarpanch,(Removed), Narketpally Gram Panchayat and Mandal, Nalgonda District – Against the proceedings of the District Collector (PW), Nalgonda District – Appeal Petition - Allowed – Orders Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O.Rt.No. 1169

Dated: 25-07-2011.

Read the following:-

- 1) From the Dist. Collector (PW), Nalgonda District Order.No. 860/09-Pts dt 06-08-2010.
- 2) Revision Petition received from Sri D. Sathaiah, Sarpanch,(Removed), Narketpally Gram Panchayat and Mandal, Nalgonda District, dt.9.8.2010.
- 3) Caveat Petition received from G. Bhaskar Reddy, Upa-Sarpanch, Narketpally, Nalgonda District dt. 9.8.2010.
- 4) Petition received from the villagers of Narketpally GP & certain Ward Members, dt. Nil.
- 5) Govt. Memo.No.18037/Pts.II/A1/2010-1, Dated 03-09-2010.
- 6) From the Asst. Registrar, APHC, Hyd., W.P. MP.No.27713 of 2010, in WPN0.21783 of 2010, dt. 31.8.2010
- 7) From the Deputy Registrar, APHC, Hyd., W.P. No. 21783 of 2010, Dt. 31-08-2010.
- 8) From the Dist. Collector (PW), Nalgonda District Order.No. 860/09-Pts dt 13-08-2010
- 9) From the DPO, Nalgonda, Lr. No. 860/09-B1(Pts), dt.15-9-2010.
- 10) From the DPO, Nalgonda Lr. No. 860/09-B1(Pts), dt.14-10-2010.
- 11) Representation received from Sri D. Sathaiah, Narketpally sarpanch, dt. 16.08.2010.
- 12) From the Deputy Registrar, APHC, Hyd., WPN0.21778 of 2010, dt. 21.2.2011.
- 13) From the Deputy Registrar, APHC, Hyd., W.P. No. 21783 of 2010, Dt. 21-02-2011.
- 14) From the DPO, Nalgonda Lr. Roc.No. 860/10-B1(Pts), dt.14-02-2011.

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ORDER:

In the reference 1st read above, the District Collector (PW), Nalgonda District has removed Sri D. Sathaiah from the post of Sarpanch, Narketpally Gram Panchayat and Mandal, Nalgonda District U/s 249 (1) of APPR Act 1994 for misuse of powers and misappropriation of funds.

2. Aggrieved by the said orders, in the reference 2nd read above Sri D. Sathaiah, Sarpanch(Removed), Narketpally Gram Panchayat and Mandal, Nalgonda District has filed an Revision Petition before Government with a request to grant stay against the proceedings of District Collector issued vide reference 1st read above.

3. In the reference 3rd read above G. Bhaskar Reddy, Upa-Sarpanch, Narketpally, Nalgonda District has filed a caveat petition with a request not to grant stay against the proceedings of the District Collector issued vide reference 1st read above. In the reference 4th read above the villagers of Narketpally Gram Panchayat and ward members of Narketpally Gram Panchayat have also filed a petition with a similar request against Sarpanch.

4.. In the reference 5th read above the remarks of the District Collector (PW), Nalgonda has called on the Revision Petition.

(Contd..2)

5. In the reference 6th read above the Hon'ble High Court has granted interim suspension of the impugned proceedings issued by the District Collector vide reference 1st read above.

6. In the reference 7th read above, the Petitioner has filed a WP No. 21783 of 2010, Dt. 31-08-2010 against the proceedings of the District Collector issued vide reference 1st read above.

7. In the reference 8th read above, the District Collector (PW), Nalgonda has issued orders authorising to Mandal Parishad Development Officer for recovery of Misappropriated amount of Rs. 10,74,974/- from Sri D. Sathaiah, Sarpanch (removed) Narketpally Gram Panchayat and Mandal of Nalgonda District within 45 days.

8. In the reference 9th read above the District Panchayat Officer, Nalgonda has issued orders restricting the cheque drawing powers of the Sarpanch of Narketpally Gram Panchayat.

9. In the reference 10th read above the District Panchayat Officer, Nalgonda has reported that after detailed examination of the case and after explanation submitted by the Sarpanch of Narketpally Gram Panchayat it has found that out of 7 allegations 5(five) charges are proved and misappropriated an amount of Rs. 1,39,866/- and in respect of charge on auction amount of Rs. 9,35,108/- has also proved totally the Sarpanch has misappropriated an amount of Rs. 10,74,974/-. Hence the Sarpanch of Narketpally Gram Panchayat was removed and also issued recovery orders under PR Act 1994 , 249 (1) and 265(1).

10. In the reference 11th read above, the removed Sarpanch of Narketpally Gram Panchayat has again filed an Revision Petition against the recovery orders and also removed orders of the District Collector (PW), Nalgonda.

11. In the reference 12th read above the Hon'ble High Court while disposing the WP No. 21778 of 2010, dated 21-02-2011 has directed that the interim suspension will continue till disposal of the Appeal by respondent No. 1. In reference 13th read above the Hon'ble High Court while disposing the WP No.21783 of 2010, dated 21-02-2011 has ordered that the interim suspension will continue till disposal of the appeal by respondent No.1.

12. The case was heard on 29.10.2010 and directions were given to the DPO to inspect the records and send detailed report.

13. In the reference 14th read above, the District Panchayat Officer , Nalgonda has reported that when the Electrical material purchases and water supply material purchases are more than Rs. 5,000/- the Sarpanch should have sought the permission of higher authorities or should have taken quotations from various electrical material shops and which is the lowest should have been accepted. Regarding purchase of water supply material, the Sarpanch should have got recorded M.B or at least a certificate should have been obtained from the Asst. Engineer(RWS). But this has been not done which comes under procedural lapse. Further from the verification of acquaintance (NMR), Contract labour, acquaintance register and the register for labour soap and oil and remittances by challan No. 41453, dated 7-02-2011 for Rs. 16,400/- a total amount of Rs. 9,35,110/- has been spent on payment towards NMR, Contract labour soap & Oil for labour has been spent towards salaries, which is a direct expenditure received from cattle market proceeds without remitting into the treasury.

(Contd..3)

14. The case was heard on 14-02-2011. Sri Sattaiah, sarpanch has stated that in the interest of the public and G.P. he has executed the works by meeting the expenditure by using his good offices. Further he had met the expenditure of Rs.25,82,417/- from his own funds and requested to allow his appeal and settle the accounts due to him. The DPO in response to the directions of the Government during the hearing on 29.10.2010, has stated that the Sarpanch has incurred Rs.10,74,974/- for the execution of departmental works by meeting the expenditure directly from the funds received from the cattle market, which is deviation from the rules. After hearing them and on perusal of the records available, it is observed that even though Sri Sattaiah incurred expenditure of the funds received from cattle market directly, he had utilized for developmental activities of the GP and not misappropriated the same. Further it is felt that he had incurred expenditure for the developmental works from his own funds.

15. Government after careful examination of the matter and material available in the records hereby allowed the appeal filed by Sri D. Sattaiah, sarpanch, Narketpally Gram Panchayat and Mandal, District Nalgonda is allowed and accordingly the proceedings of the Dist. Collector, Nalgonda issued vide reference 1st read above are hereby set aside. The District Panchayat Officer is directed to inspect the works executed by the Sarpanch and settle the bills due to him if any.

16. The District Collector (PW), Nalgonda District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The District Collector (PW), Nalgonda District.

Copy to:-

The District Panchayat Officer, Nalgonda District.

Sri D. Sathaiah, Sarpanch, (Removed), Narketpally Gram Panchayat and Mandal, Nalgonda District

The Commissioner, Panchayat Raj and Rural Employment, A .P. Hyderabad.

The P.S. to M(PR&RWS).

The Government Pleader for PR & RD, A.P. High Court, Hyderabad.

Sf /Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER